72

(2)

No. 07-291

FILED
NOV 5 - 2007
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

Supreme Court of the United States

STANDING TOGETHER TO OPPOSE
PARTIAL-BIRTH-ABORTION,

Petitioner,

—v.—

NORTHLAND FAMILY PLANNING CLINIC, INC., *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

RESPONDENTS' BRIEF IN OPPOSITION

MICHAEL J. STEINBERG
KARY L. MOSS
American Civil Liberties
Fund of Michigan
60 West Hancock Street
Detroit, Michigan 48201
(313) 578-6814

JANET CREPPS
Center for Reproductive
Rights
120 Wall Street, 14th Floor
New York, New York 10005
(917) 637-3600

BRIGITTE AMIRI
Counsel of Record
ALEXA R. KOLBI-MOLINAS
TALCOTT CAMP
LOUISE MELLING
STEVEN R. SHAPIRO
American Civil Liberties
Union Foundation
125 Broad Street, 18th Floor
New York, New York 10004
(212) 549-2633

(*Counsel for Respondents continued on inside cover*)

EVE C. GARTNER
ROGER K. EVANS
Planned Parenthood
Federation of America
434 West 33rd Street
New York, New York 10001
(212) 541-7800

DAVID A. NACHT, P.C.
201 South Main, Suite 1000
Ann Arbor, Michigan 48104
(734) 663-7550

Counsel for Respondents

QUESTION PRESENTED

Whether this Court should review the Sixth Circuit's determination that an initiative petition committee created solely to advocate for the passage of Michigan's Legal Birth Definition Act lacked a substantial legal interest to justify intervention as of right in a suit challenging the constitutionality of the Act?

RULE 29.6 DISCLOSURE

None of the Respondents in this action has a parent corporation or any stock owned by publicly held corporations.

TABLE OF CONTENTS

QUESTION PRESENTED i

RULE 29.6 DISCLOSURE ii

TABLE OF CONTENTS iii

TABLE OF AUTHORITIES iv

STATEMENT OF THE CASE 1

REASONS FOR DENYING THE WRIT 4

I. This Court Should Decline STTOP's Invitation to Issue What Amounts to an Advisory Opinion on Whether Article III Standing Is Necessary to Intervene as of Right. 5

II. The Intervention Denial in This Case Is Both Amply Supported By the Record and Consistent With Other Circuits. 6

III. This Court Generally Leaves Intervention Decisions to the Lower Courts and STTOP Points to No Reason Why This Court Should Depart From That Rule Here. 11

CONCLUSION 12

TABLE OF AUTHORITIES

CASES

Athens Lumber Company, Inc. v. FEC,
690 F.2d 1364 (11th Cir. 1982) 8

Bradley v. Milliken,
828 F.2d 1186 (6th Cir. 1987) 10

Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129 (1967) 11

Coalition for Arizona/New Mexico Counties for Stable Economic Growth v. Department of the Interior, 100 F.3d 837 (10th Cir. 1996) 8

Coalition To Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality By Any Means Necessary v. Granholm,--- F.3d ----, Nos. 06-2653, 06-2656, 2007 WL 2492975 (6th Cir. Sept. 6, 2007), *petition for reh'g en banc filed* (Sept. 20, 2007) 10

Conway v. California Adult Authority,
396 U.S. 107 (1969) 6

Diamond v. Charles, 476 U.S. 54 (1986) 7

Donaldson v. United States, 400 U.S. 517 (1971), *superseded on other grounds by statute*, 27 U.S.C. § 7609(b) (1976) 7,9

Grutter v. Bollinger,
188 F.3d 394 (6th Cir. 1999) 10

Idaho Farm Bureau Federation v. Babbitt,
58 F.3d 1392 (9th Cir. 1995)..... 8

In re Sierra Club, 945 F.2d 776 (4th Cir. 1991)..... 8

Izumi Seimitzu Kogyo Kabushiki Kaisha v. U.S. Philips Corp., 510 U.S. 27 (1993)..... 4, 11, 12

Keith v. Daley, 764 F.2d 1265 (7th Cir. 1985)..... 8

Michigan State AFL-CIO v. Miller,
103 F.3d 1240 (6th Cir. 1997)..... 10

Missouri-Kansas Pipe Line Co. v. United States,
312 U.S. 502 (1941)..... 11

Montana v. Imlay, 506 U.S. 5 (1992) 6

Planned Parenthood of Minnesota v. Citizens for Community Action, 558 F.2d 861 (8th Cir. 1977)..... 9

Portland Audubon Society v. Hodel,
866 F.2d 302 (9th Cir. 1989)..... 9

Presier v. Newkirk, 422 U.S. 395 (1975) 5

Providence Baptist Church v. Hillandale Committee, Ltd., 425 F.3d 309 (6th Cir. 2005) 10

Sagebrush Rebellion, Inc. v. Watt,
713 F.2d 525 (9th Cir. 1983)..... 10

Sierra Club v. U.S. EPA,
995 F.2d 1478 (9th Cir. 1993)..... 9

State of Idaho v. Freeman,
625 F.2d 886 (9th Cir. 1980) 10

Washington State Building & Construction Trades v. Spellman, 684 F.2d 627 (9th Cir. 1982) 9

Westlands Water District v. United States,
700 F.2d 561 (9th Cir. 1983) 8

Wisniewski v. United States,
353 U.S. 901 (1957) 9

CONSTITUTIONAL PROVISIONS

Mich. Const. Art. II, § 9 2

STATUTES

Legal Birth Definition Act,
Mich. Comp. Laws §§ 333.1081-333.1085 ..... *passim*

OTHER AUTHORITIES

Michigan Journal of the Senate, No. 84 1-2

RULES

Fed. R. Civ. P. 24 ..... 4, 7, 8, 11

Fed. R. Civ. P. 24(a) 2, 5, 7

Fed. R. Civ. P. 24(b) 2, 3

Sup. Ct. R. 10 9

Sup. Ct. R. 10(a) 4

Sup. Ct. R. 10(c) 5

Sup. Ct. R. 14.1(a) 4

Petitioner has unsuccessfully sought to intervene at every stage of these proceedings. Its motion was properly denied by both courts below. That case management decision plainly does not warrant review by this Court.

STATEMENT OF THE CASE

The underlying dispute in this case involves a challenge to Michigan's "Legal Birth Definition Act" (codified at Mich. Comp. Laws §§ 333.1081-333.1085) ("the Act"). The Act was vigorously defended by the State and declared unconstitutional by the Sixth Circuit.[1] Petitioner has no role in enforcing the Act and does not contend that it is subject to the Act's terms. Petitioner nonetheless claims that it is entitled to intervene as of right solely because it organized a petition drive that played a role in the Act's eventual passage.

The language now embodied in the Act was originally passed by the Michigan Legislature in September 2003 as Senate Bill 395, but then vetoed by the Governor because "it easily could be interpreted to outlaw even first trimester abortions" and because it failed to contain "a valid [health] exception." Michigan Journal of the Senate, No. 84

---

[1] Michigan has filed its own Petition for Certiorari in *Cox v. Northland Family Planning, Inc.* (07-313). The only question presented by that petition is whether the Sixth Circuit abused its discretion in declining to seek an interpretation of the Act from the state supreme court through the certification process after concluding that the Act was not reasonably susceptible to a constitutional construction.

at 1835.[2] Thereafter, Michigan Right to Life formed Petitioner, Standing Together To Oppose Partial-birth-abortion ("STTOP"), for the sole purpose of attempting to pass the identical language contained in Senate Bill 395 by "initiative petition." Pet. App. 37a. The initiative petition process allows citizens to place proposed legislation directly before the legislature after collecting the requisite number of signatures. Mich. Const. Art. II, § 9. Any legislation introduced by initiative petition need only pass by a simple majority of the Legislature, at which point it becomes law without the Governor's signature. *Id.* STTOP collected the requisite number of signatures and submitted the initiative petition to the Legislature, which passed it in 2004.[3]

Before the effective date of the Act, Respondents challenged the law and STTOP sought to intervene under Fed. R. Civ. P. 24(a) and (b). The district court denied STTOP's motion to intervene as of right under Rule 24(a) on two grounds. First, the district court held that STTOP lacked an interest in the case. Second, the district court ruled that, even if STTOP had an interest in the litigation, its interest was fully and adequately protected by the Attorney

---

[2] Available at http://www.legislature.mi.gov/(S(1ktqfb55fzikyx55woqbm555))/documents/2003-2004/Journal/Senate/pdf/2003-SJ-10-14-084.pdf.

[3] Had the Legislature amended, or simply not acted on, the bill, the initiative would have gone to the voters. Because the Legislature did pass it (a foregone conclusion inasmuch as the Legislature had just passed the identical bill), it never appeared on a ballot. Thus, although STTOP refers to itself as a "ballot question committee," Pet. Br. at i, the term "initiative petition committee" is more accurate.

General. Pet. App. 59a-60a. The district court also denied STTOP's motion for permissive intervention under Rule 24(b) noting, *inter alia*, that STTOP's "presence [in the litigation] would seriously delay the adjudication and resolution of the matter." *Id.* at 60a-61a.

The Sixth Circuit affirmed. Like the district court, the Sixth Circuit held that STTOP lacked a substantial legal interest in the case. The Sixth Circuit noted that STTOP's sole purpose was to get the legislation passed, and that STTOP "[was] not itself regulated by any of the statutory provisions at issue here." *Id.* at 37a. The Sixth Circuit also held that STTOP's "legal interest can be said to be limited to the passage of the Act rather than the state's subsequent implementation and enforcement of it." *Id.* The Sixth Circuit distinguished other cases relied on by STTOP on the grounds that they involved situations in which public interest groups were allowed to intervene in a challenge to "the *procedure* required to pass a particular" law via mechanisms such as initiative petitions. *Id.* at 37a-38a. Having concluded that STTOP lacked a substantial legal interest in the case, the court determined that it did not need to "address the other elements of intervention." *Id.* at 39a. Finally, the Sixth Circuit affirmed the denial of permissive intervention, holding that the district court did not abuse its discretion given that the record and STTOP's brief evinced an "ideological approach to the litigation rather than attempting to argue for the

Act's validity under the relevant Supreme Court precedent."[4] *Id.* at 39a-40a.

REASONS FOR DENYING THE WRIT

The Court should decline to review this case for three reasons. First, STTOP is essentially asking this Court to issue an advisory opinion on the relationship between Article III and Rule 24. Specifically, according to STTOP, there is a conflict among the circuits as to whether a proposed intervenor must establish Article III standing in addition to a substantial legal interest or whether intervention is warranted if the proposed intervenor has a substantial legal interest in the outcome of the litigation, regardless of Article III standing. Resolution of any conflict would have no bearing on the outcome of this case, however, because STTOP's intervention motion was denied under the more relaxed standard.

Second, review is not warranted because the Sixth Circuit's decision is both amply supported by the record and consistent with the approach followed by other courts of appeals. *See* Sup. Ct. R. 10(a). The Sixth Circuit properly distinguished other cases in which groups intervened because they were regulated by the challenged law, or, in the case of initiative sponsors, where the underlying lawsuit challenged the initiative *process*. *See* Pet. App. 37a-

---

[4] STTOP has waived its right to seek review of the denial of permissive intervention. *See* Pet. Br. at i; Sup. Ct. R. 14.1(a); *Izumi Seimitzu Kogyo Kabushiki Kaisha v. U.S. Philips Corp.*, 510 U.S. 27, 32-33 (1993) (per curiam).

38a. As the Sixth Circuit correctly determined, STTOP demonstrated *none* of these criteria.

Third, this Court has long held that intervention decisions are properly left to the judgment of the lower courts. Because the Sixth Circuit applied well settled principles to the specific facts presented by STTOP's motion, further review is not warranted here. *See* Sup. Ct. R. 10(c). Accordingly, the petition for a writ of certiorari should be denied.

I. This Court Should Decline STTOP's Invitation to Issue What Amounts to an Advisory Opinion on Whether Article III Standing Is Necessary to Intervene as of Right.

This case is an inappropriate vehicle to resolve any purported conflict among the circuits as to whether a proposed intervenor must demonstrate Article III standing, *see* Pet. Br. at 11-13, for the simple reason that STTOP was not required to satisfy Article III standing. Rather, STTOP's motion to intervene as of right under Rule 24(a) was denied by the Sixth Circuit because STTOP failed to establish a substantial legal interest in the litigation. STTOP's contention that intervention should not depend on Article III standing is therefore purely academic. Even if this Court agreed, it would not alter the outcome of this case. As such, STTOP seeks what is tantamount to an advisory opinion from this Court, and its petition should therefore be denied. *See Presier v. Newkirk*, 422 U.S. 395, 401 (1975) ("[A] federal court has neither the power to render advisory opinions nor 'to decide questions that cannot

affect the rights of litigants in the case before them'") (internal citations omitted); *Conway v. Ca. Adult Auth.*, 396 U.S. 107, 110 (1969) (holding that "were [the Court] to pass upon the purely artificial . . . issue tendered by the petition for certiorari [it] would not only . . . be rendering an advisory opinion, but also . . . an unjustifiable intrusion upon the time of this Court"); *cf. Montana v. Imlay*, 506 U.S. 5, 6 (1992) (Stevens, J. concurring) (concurring in dismissal of writ of certiorari as improvidently granted where, regardless of which party prevailed, prisoner's sentence would not change).[5]

II. The Intervention Denial in This Case Is Both Amply Supported By the Record and Consistent With Other Circuits.

The Sixth Circuit's determination that STTOP lacked a substantial legal interest was based on two criteria: first, because STTOP would not be regulated in any manner by the challenged Act, its interest in the litigation was purely ideological; second, the underlying litigation did not concern the *procedure* by which STTOP sought to place the initiative before

---

[5] STTOP's suggestion that the Court should review this case to limit forum shopping is likewise without merit. *See* Pet. Br. at 10 (arguing that inconsistent standards for intervention encourage forum shopping by plaintiffs who anticipate intervention requests). In fact, it is difficult to imagine a scenario in which a challenge to the constitutionality of a state law would be brought in any state other than the one in which the law was enacted. This was certainly the case below, where Respondents appropriately challenged the Act in federal district court in Michigan.

the Legislature.[6] Pet. App. 37a-38a. Neither conclusion is subject to serious question on this record. *See id.* Moreover, the criteria applied by the Sixth Circuit are consistent with criteria applied by other circuits under Rule 24(a).[7]

For example, other circuits have repeatedly held that public interest groups that hold a purely ideological interest in the subject matter of a lawsuit are not entitled to intervention as of right, and have distinguished, as the Sixth Circuit did here,

---

[6] The sole question before this Court concerns whether STTOP had a substantial legal interest entitling it to intervene. *See* Pet. App. i. Though much of STTOP's brief seems to focus on whether its interests were adequately represented by the Attorney General, *see* Pet. Br. at 5-6, 11 n.4, this issue was not reached by the Sixth Circuit, *see* Pet. App. 39a. The district court, however, concluded that STTOP failed to meet its burden of proving that "the Attorney General is unable to fully protect [its] interest in the litigation," Pet. App. 60a, which alone justifies the denial of the motion to intervene.

[7] Additionally, STTOP mischaracterizes the Sixth Circuit's decision as creating an "ironic" hierarchy of interests protected by Rule 24. *See* Pet. Br. at 13-14. STTOP improperly conflates the general idea of a "significant" interest with the standard of a "substantial *legal* interest" required under Rule 24. *See* Pet. App. 39a; *cf. Diamond v. Charles*, 476 U.S. 54, 75-76 (1986) (O'Connor, J. concurring) (noting that intervenor, a physician opposed to abortion, lacked an interest in the enforcement of an abortion regulation sufficient to warrant intervention); *Donaldson v. United States*, 400 U.S. 517, 531 (1971) (holding that taxpayer lacked an interest sufficient to intervene in proceeding ordering his former employer to disclose his tax records), *superseded on other grounds by statute*, Tax Reform Act of 1976, 27 U.S.C. § 7609(b) (1976). Intervention does not turn on the significance of the intervenor's interest, as STTOP suggests, but on the relationship between this interest and the specific claims at issue in the case.

intervention by those public interest groups that are regulated, or whose members are directly affected, by a challenged statute. *Compare Keith v. Daley*, 764 F.2d 1265, 1270 (7th Cir. 1985) (holding that Rule 24 does not allow anti-abortion lobbying group "to intervene in every lawsuit involving abortion rights or to forever defend statutes it helped to enact"), *and Westlands Water Dist. v. United States*, 700 F.2d 561, 563 (9th Cir. 1983) (environmental group's interest in protecting water quality was too general and therefore insufficient to warrant intervention because such an interest was shared by "a substantial portion of the population of northern California") (internal citations omitted), *and Athens Lumber Co., Inc. v. FEC*, 690 F.2d 1364, 1366 (11th Cir. 1982) (finding union's interest in campaign finance reform too generalized to support intervention to defend limits on corporate expenditures), *with Coal. for Ariz./N.M. Counties for Stable Econ. Growth v. Dep't of the Interior*, 100 F.3d 837, 839, 841-42 (10th Cir. 1996) (holding that wildlife photographer and naturalist who had previously sought out and photographed endangered owl, and had successfully filed suit in the past to guarantee its protection, demonstrated legally protectable interest in maintaining its protected status), *and Idaho Farm Bureau Fed'n v. Babbitt*, 58 F.3d 1392, 1398 (9th Cir. 1995) (granting intervention as of right to environmental group that had "direct contact with the environmental subject matter threatened by an adverse decision"), *and In re Sierra Club*, 945 F.2d 776, 779-81 (4th Cir. 1991) (holding that environmental group that was party to ongoing administrative proceedings concerning disposal of hazardous waste had sufficient interest to

support intervention in lawsuit challenging administrative regulation at issue), *and Planned Parenthood of Minn. v. Citizens for Cmty. Action*, 558 F.2d 861, 869 (8th Cir. 1977) (upholding intervention in action concerning proposed family planning clinic by neighborhood association asserting interest in preserving property values).[8]

The Sixth Circuit also properly acknowledged and distinguished, *see* Pet. App. 37a-38a, rulings by other courts recognizing the right of public interest groups to intervene in a challenge to "the *procedure* required to pass a particular" law. *See, e.g.*,

---

[8] STTOP relies in part on *Washington State Bldg. & Constr. Trades v. Spellman*, 684 F.2d 627 (9th Cir. 1982), for the proposition that the Ninth Circuit takes a very liberal approach to intervention. Pet. Br. at 7. However, other Ninth Circuit cases, including those cited by STTOP, require proposed intervenors to make the same showing that the Sixth Circuit required below. *See* discussion *supra* at 8-9 (citing Ninth Circuit cases); *see also Sierra Club v. U.S. EPA*, 995 F.2d 1478, 1485 (9th Cir. 1993) (requiring that "the interest of a would-be intervenor be protected by some law and related to the subject of the litigation") (citing *Donaldson*, 400 U.S. 517); *Portland Audubon Soc. v. Hodel*, 866 F.2d 302, 309 (9th Cir. 1989) (affirming that intervention is not warranted where the underlying litigation "will not affect a statute or regulation governing the applicants' actions, nor will it directly alter contractual or other legally protectable rights of the proposed intervenors") (internal quotations omitted). At best, *Spellman*, and other Ninth Circuit cases that follow it, suggest that the Ninth Circuit has not been consistent in its response to intervention. Such intra-circuit inconsistencies do not warrant plenary review by this Court. *Cf. Wisniewski v. United States*, 353 U.S. 901, 902 (1957) (per curiam) (holding that "doubt about the respect to be accorded to a previous decision of a different panel [of a court of appeals] should not be the occasion" for the jurisdiction of this Court); Sup. Ct. R. 10.

Sagebrush Rebellion, Inc. v. Watt, 713 F.2d 525, 527-28 (9th Cir. 1983) (granting intervention as of right to public interest group involved in administrative process to create conservation area in challenge to *procedure* by which the area was created); *State of Idaho v. Freeman*, 625 F.2d 886 (9th Cir. 1980) (granting intervention as of right to public interest group advocating for passage of the Equal Rights Amendment in challenge to *procedure* by which states could ratify the amendment). This case does not present that situation, as the Sixth Circuit correctly observed.[9]

---

[9] Contrary to STTOP's contention that the decision below conflicts with other Sixth Circuit decisions, *see* Pet. Br. at 10, that court has consistently denied intervention to parties whose interest was purely ideological or who could not show they were directly affected or regulated by the statute at issue. *Compare Coal. To Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality By Any Means Necessary v. Granholm*, --- F.3d ----, Nos. 06-2653, 06-2656, 2007 WL 2492975 *4-*8 (6th Cir. Sept. 6, 2007) (denying intervention to groups that sponsored ballot question because groups' members were not regulated or affected by the law and had "only general ideological interest" in the suit), *petition for reh'g en banc filed* (Sept. 20, 2007), *and Providence Baptist Church v. Hillandale Comm., Ltd.*, 425 F.3d 309, 317 (6th Cir. 2005) (holding that proposed intervenor that circulated a referendum petition lacked any substantial legal interest in the law after referendum was held and results were certified), *and Bradley v. Milliken*, 828 F.2d 1186, 1192 (6th Cir. 1987) (denying intervention in desegregation case to group that lacked any members, including children who were currently enrolled in the public schools), *with Grutter v. Bollinger*, 188 F.3d 394, 397-99 (6th Cir. 1999) (reversing denial of intervention in affirmative action challenge to University of Michigan Law School's admission policies where proposed intervenors were students of various races who expressed intention to apply to law school), *and Mich. State AFL-CIO v. Miller*, 103 F.3d 1240, 1246-47 (6th Cir. 1997) (granting intervention after weighing a number of

Finally, as the Sixth Circuit noted, "[w]ithout these sorts of limitations on the legal interest required for intervention, Rule 24 would be abused as a mechanism for the over-politicization of the judicial process." Pet. App. 39a. Because STTOP plainly lacked "a substantial legal interest in the outcome of the case," the Sixth Circuit properly refused to grant STTOP's motion for intervention. *Id.*

III. This Court Generally Leaves Intervention Decisions to the Lower Courts and STTOP Points to No Reason Why This Court Should Depart From That Rule Here.

This Court has long recognized that decisions concerning intervention belong to the lower courts and rarely merit further review. *See Mo.-Kan. Pipe Line Co. v. United States*, 312 U.S. 502, 506 (1941) ("[T]he circumstances under which interested outsiders should be allowed to become participants in a litigation is [*sic*], barring very special circumstances, a matter for the nisi prius court"); *see also Cascade Natural Gas Corp. v. El Paso Natural Gas Co.*, 386 U.S. 129, 135 (1967) (same). This Court has also declined to review intervention decisions where, as here, the lower court applied well-settled principles in deciding the specific facts presented by an intervention motion. *See Izumi Seimitzu Kogyo Kabushiki Kaisha v. U.S. Philips Corp.*, 510 U.S. 27, 33-34 (1993) (per curiam) (declining to review court

---

factors, including whether intervenor was directly regulated by statute in question).

of appeals' denial of intervention motion). As a result, the Sixth Circuit's holding raises "a relatively factbound issue which does not meet the standards that guide the exercise of [this Court's] certiorari jurisdiction." *Id.* at 34; *see also id.* at 33 ("While the decision on any particular motion to intervene may be a difficult one, it is always to some extent bound up in the facts of the particular case. Should we undertake to review [the] decision . . . it is unlikely that any new principle of law would be enunciated."). Given that STTOP does not point to anything to suggest that this Court should depart from these rules, certiorari should be denied.

CONCLUSION

For the foregoing reasons, STTOP's petition for a writ of certiorari should be denied.

Respectfully submitted,

BRIGITTE AMIRI
Counsel of Record
ALEXA R. KOLBI-MOLINAS
TALCOTT CAMP
LOUISE MELLING
STEVEN R. SHAPIRO
American Civil Liberties
Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2633

MICHAEL J. STEINBERG
KARY L. MOSS
American Civil Liberties Fund
of Michigan
60 West Hancock Street
Detroit, Michigan 48201
(313) 578-6814

Counsel for Individual Physicians

JANET CREPPS
Center for Reproductive Rights
120 Wall Street, 14th Floor
New York, New York 10005
(917) 637-3600

DAVID A. NACHT, P.C.
201 South Main, Suite 1000
Ann Arbor, Michigan 48104
(734) 663-7550

Counsel for Northland Clinics and

Summit Medical Center, Inc.

EVE C. GARTNER
ROGER EVANS
Planned Parenthood
Federation of America
434 West 33rd Street
New York, NY 10001
(212) 541-7800

Counsel for Planned Parenthood Mid-Michigan Alliance and Planned Parenthood of South Central Michigan

November 5, 2007